

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

252

CRM-M-921-2018

Date of Decision:21.09.2018

Subhash Mittal and others

.....Petitioners

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

**Present: Mr. Dinesh Bhardwaj, Advocate,
for the petitioners.**

Mr. Tanvir Joshi, A.A.G., Punjab.

**Ms. Sushma Chopra, Advocate,
for respondent Nos.2 and 3.**

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for quashing of FIR No.0215 dated 23.10.2017 under Sections 419, 420, 465, 467, 468, 471, 120-B IPC, registered at Civil Lines Bathinda, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom on the basis of compromise dated 24.11.2017 (Annexure P-2).

This Court vide order dated 12.01.2018 had directed the parties to appear before the Illaqa Magistrate to get their statements recorded and the learned trial court was directed to send its report qua the genuineness of the compromise.

Pursuant to the aforesaid order, parties have appeared before learned Chief Judicial Magistrate, Bathinda and got their statements

recorded. On the basis of the statements so recorded, learned Magistrate has

submitted report dated 12.02.2018 to the effect that the compromise effected between the parties appears to be genuine and voluntary. The statements have been suffered by them out of their free will and same are not the result of any pressure, undue influence or coercion in any manner and compromise is valid.

Respondent No.2-Complainant, namely, Rajinder Kumar as well as respondent No.3-Subhash Gupta, have made a joint statement with regard to compromise before learned Magistrate on 09.02.2018. The same is reproduced as under:-

“We have brought our I.D. proofs to prove our identity and placed on record self attested copies of the same on file.

We are complainant of case FIR No.215 dated 23.10.2017, under Sections 419, 420, 465, 467, 468, 471, 120-B IPC, Police Station Civil Lines, Bathinda, registered against the accused persons namely Subhash Mittal, Pushpa Mittal (petitioners) and Rakesh Kumar son of Puran Chand, all residents of Bathinda. Pushpa Mittal is our sister and Subhash Mittal is her husband. Petitioners Ajay Mittal & Sanjeev Mittal are sons of Pushpa Mittal & Subhash Mittal but they are not arrayed as accused in this FIR. With the intervention of common relatives and respectable persons, we have arrived at compromise with the above named accused persons, without any pressure or coercion. The compromise is genuine and voluntarily and the same is in the interest of the parties. Regarding the compromise, the accused persons have filed a petition before Hon'ble High Court, CRM-M-921-2018, for quashing the aforesaid FIR registered against them. The original compromise has already been submitted before the Hon'ble High court. Now we have no grudge against the accused/petitioners and Rakesh Kumar son of Puran Chand. We do not want to proceed with present case against the accused persons

and have no objection if FIR No.215 dated 23.10.2017, under Sections 419, 420, 465, 467, 468, 471, 120-B ipc, Police Station Civil Lines, Bathinda, is quashed against the petitioners. ”

Learned State counsel as well as learned counsel for respondent Nos.2 and 3 have not disputed the factum of compromise between the parties.

In view of the above, no useful purpose would be served to continue with the proceedings before the trial Court in the instant F.I.R.

Following the principles laid down by the Full Bench judgment of this Court in ***Kulwinder Singh and others Versus State of Punjab and another 2007 (3) RCR (Criminal) 1052*** and approved by the Hon'ble Supreme Court in ***Gian Singh Versus State of Punjab and others (2012) 10 SCC 303***, this petition is allowed and FIR No.0215 dated 23.10.2017 under Sections 419, 420, 465, 467, 468, 471, 120-B IPC, registered at Civil Lines Bathinda, District Bathinda (Annexure P-1) and all subsequent proceedings arising therefrom are hereby quashed qua the petitioners on the basis of compromise dated 24.11.2017 (Annexure P-2).

September 21, 2018

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(HARI PAL VERMA)

JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No